



**Executive Committee Agenda  
March 31, 2016, 4:00 p.m. Eastern  
Florida Association of Counties  
100 South Monroe Street  
Tallahassee, Florida 32301  
Dial-in Number: 1-888-670-3525  
Participant Passcode: 998 449 5298#**

1. Call to Order
2. Public Comment
3. Approval of February 25, 2016 Minutes
4. Follow Up Discussion on the Revised FSEP Development Process  
Scott Shalley  
Ginger Delegal  
  
Doug Robison  
Environmental Science Associates
5. Update on Planning Grant Application  
Mike Langton  
Lisa King  
Langton Associates
6. Consortium Activity Report
7. Proposed Comments to U.S. Treasury on Draft Consent Decree
8. New Business
9. Public Comment



10. Upcoming 2016 Meetings

**Executive Committee**

Wednesday, April 13, 2016, 4:00 pm, ET  
Florida Association of Counties  
Dial-In: 1-888-670-3525  
Participant Passcode: 998 449 5298#

**Full Board of Directors**

Thursday, April 21, 2016, 2:00 pm, ET  
*Hillsborough County, Frederick Karl Center  
601 E. Kennedy Boulevard  
26<sup>th</sup> Floor, Conference Rooms A & B  
Tampa, Hillsborough County*

Tuesday, June 28, 2016, 1:00 pm, ET  
*Hyatt Regency Orlando, Orange County*

Tuesday, September 13, 2016, 3:00 pm, ET  
*Hutchinson Island, Martin County*

Friday, December 2, 2016, 10:00 am, ET  
*Buena Vista Palace, Orange County*

11. Adjourn

## Notice of Meeting/Workshop Hearing

### OTHER AGENCIES AND ORGANIZATIONS

#### Gulf Consortium

The Gulf Consortium Executive Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 31, 2016 at 4:00 pm (ET)

PLACE: Dial in Number: 888-670-3525

Participant Passcode: 998 449 5298#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Executive Committee of the Gulf Consortium will conduct a briefing on the planning grant application; development of the state expenditure plan; and, conduct other business. In accordance with section 163.01, the location of the conference call is the Florida Association of Counties, 100 S. Monroe Street, Tallahassee, FL 32301.

A copy of the agenda may be obtained by contacting: Ginger Delegal at 850-922-4300 or [gdelegal@fl-counties.com](mailto:gdelegal@fl-counties.com); or, see [www.FACRestore.com](http://www.FACRestore.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Ginger Delegal at 850-922-4300 or [gdelegal@fl-counties.com](mailto:gdelegal@fl-counties.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Ginger Delegal at 850-922-4300 or [gdelegal@fl-counties.com](mailto:gdelegal@fl-counties.com); or, see [www.FACRestore.com](http://www.FACRestore.com).

Gulf Consortium Executive Committee Meeting  
March 31, 2016, 4:00 p.m., Eastern  
FAC Office - Conference Call



<u>County</u>	<u>Executive Committee Member</u>	<u>Present</u>
Escambia	Commissioner Grover Robinson	
Gulf	Warren Yeager	
Monroe	Commissioner George Neugent	
Walton	Commissioner Sara Comander	

**Gulf Consortium Executive Committee  
March 31, 2016**

**Agenda Item 3  
Approval of February 25, 2016 Executive Committee Minutes**

**Statement of Issue:**

This agenda item proposes approval of the February 25, 2016 Executive Committee meeting minutes.

**Options:**

- (1) Approve the February 25, 2016 Executive Committee minutes, as presented;  
or
- (2) Amend and then approve the February 25, 2016 Executive Committee minutes.

**Recommendation:**

Motion to approve the February 25, 2016 Executive Committee meeting minutes, as presented.

**Prepared by:**

Ginger Delegal  
Florida Association of Counties  
Interim Manager  
On: March 23, 2016

**Attachment:**

Draft 2/25/16 Minutes

**Action Taken:**

Motion to: \_\_\_\_\_, Made by: \_\_\_\_\_;

Seconded by: \_\_\_\_\_.

Approved\_\_\_\_; Approved as amended\_\_\_\_; Defeated\_\_\_\_\_.

**Gulf Consortium Executive Committee Meeting  
February 25, 2016, 4:00 p.m. (Eastern)  
Florida Association of Counties  
Leon County, Tallahassee, Florida**

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**Officers in Attendance Telephonically:** Commissioner George Neugent (Monroe), Commissioner Grover Robinson (Escambia) and Warren Yeager (Gulf).

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**Agenda Item #1 – Call to Order**

Chairman Grover Robinson (Escambia) called the meeting to order at 4:10 pm (ET).

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**Agenda Item #2 – Public Comment**

None.

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**Agenda Item #3 – Approval of Minutes from January 27, 2016 Executive Committee Meeting**

Chairman Grover Robinson (Escambia) presented the minutes from the January 27, 2016 Executive Committee meeting. A motion to approve the January 27, 2016 Executive Committee minutes was presented by Commissioner George Neugent (Monroe) and seconded by Warren Yeager (Gulf).

**ACTION: APPROVED**

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**Agenda Item #4 – Planning Grant Application Update**

Chairman Grover Robinson (Escambia) recognized Lisa King with Langton Associates who briefed the Committee on recent activity with regard to the Planning Grant Application to include a meeting between Chairman Robinson, Gulf Consortium staff, Florida Department of Environmental Department staff and Restoration Council staff on February 12, 2016. Ms. King advised the Committee that staff would be revising portions of the Planning Grant Application and meeting with Restoration Council staff on March 8 for a preview meeting before resubmission of the revised Planning Grant Application. Chairman Robinson reported that it was a fruitful meeting between all parties. There were no questions by the Committee and no action was required.

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**Agenda Item #5 – Follow-Up Discussion on Revised FSEP Development Process**

Chairman Grover Robinson (Escambia) recognized Doug Robison with ESA who gave a detailed overview of the proposed revised FSEP development process since the last Executive Committee conference call. There was considerable Committee discussion and questions that were addressed by Mr. Robison. This item required no action and was a discussion item only.

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**Agenda Item # 6 – Consortium Activity Report**

Ms. Ginger Delegal, Interim Manager, gave a detailed overview of this agenda item to the Committee which included detailed report on staff's activities as well as near future activities such as additional meetings with the Restoration Council. No action was required on this item.

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**Agenda Item # 7 – New Business**

None.

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**Agenda Item #8 – Public Comment**

Jessica Koelsch – National Wildlife Federation

Janet Bowman – The Nature Conservancy

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**Agenda Item #9 – Upcoming Meetings**

The next conference call meetings of the Executive Committee will be held on March 31, 2016 and April 13, 2016, and the next meeting of the Consortium Board of Directors will be held on April 21, 2016 at 2:00 pm ET at the Hillsborough County Administrative Center in Hillsborough County.

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**Agenda Item #10 – Adjournment**

There being no further business, the Committee adjourned at 5:20 pm (ET).

Respectfully submitted,

Grover Robinson  
Chairman

**Gulf Consortium Executive Committee**  
**March 31, 2016**

**Agenda Item 4**  
**FSEP Development Process and Recommended Next Steps – Follow-Up Discussion**

**Background**

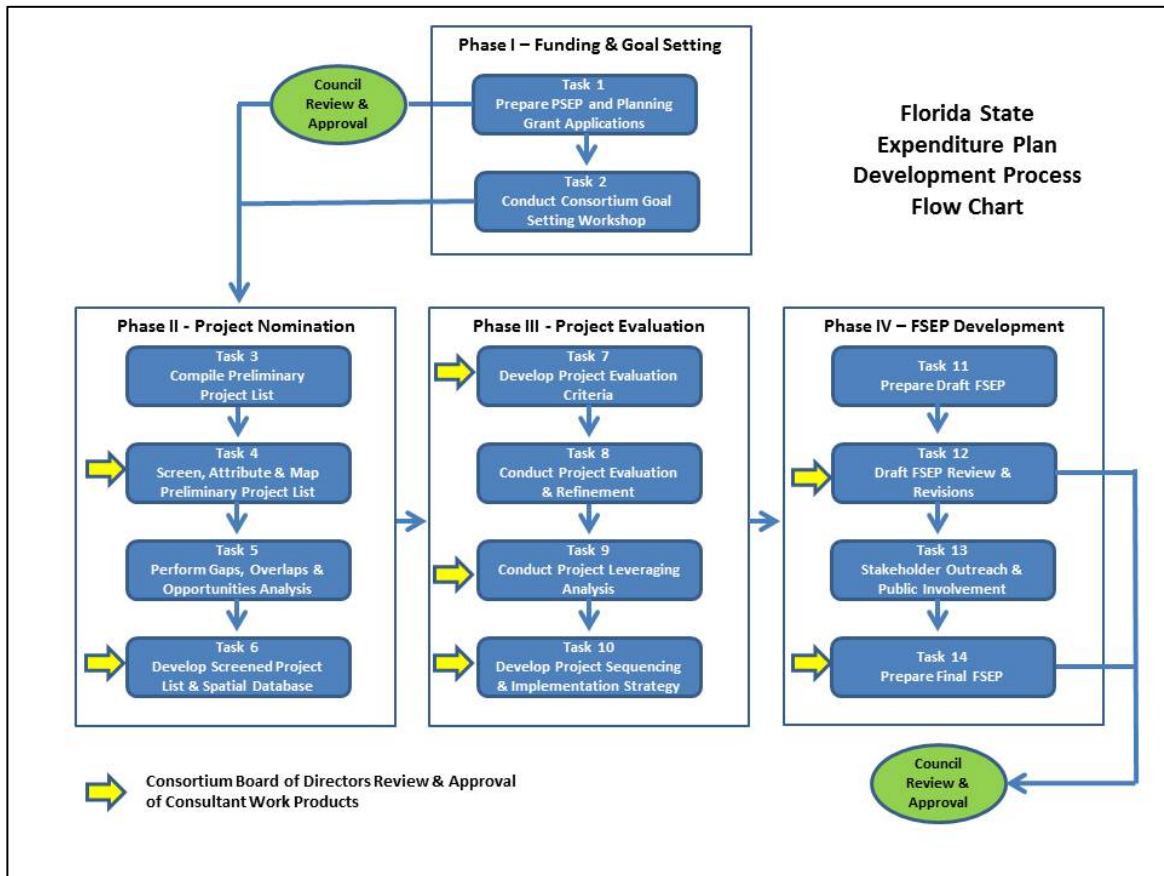
At the February 25, 2016 Executive Committee meeting Doug Robison, project manager of the ESA consultant team, presented an overview of proposed revisions to the FSEP development process.

As previously presented, revisions to the originally proposed FSEP development process were necessary to accommodate the decision by the Gulf Consortium to establish a predetermined geographic allocation of Spill Impact Component funds pursuant to an “even-stein” or equal distribution of funds among the 23 counties. This decision essentially changes the FSEP development approach from a “County-Independent” process to a “County-Driven” process. A County-driven FSEP development process necessitates the following changes to the approach originally proposed by the ESA consultant team:

- Changes the starting point for identifying potential projects from the Florida Department of Environmental Protection’s online portal to the individual counties.
- Eliminates the need to develop a separate online portal to solicit new project concepts from stakeholders.
- Modifies the project evaluation process from detailed benefit/cost analysis of multiple projects to feasibility reviews and refinement of proposed county projects.
- Alters the priority project ranking process from the inclusion/exclusion of projects to the temporal sequencing of projects, based on grant-readiness, leveragability, and other factors.
- Reduces the level of effort and shifts the focus of the public involvement program primarily to the review of the draft FSEP, to be conducted in Phase IV (FSEP development).

Based on subsequent feedback received from Consortium Directors, RESTORE Act coordinators, and the Restoration Council, the FSEP development process has been further revised to accommodate recommendations for facilitating approval of the planning grant request, as well as to address concerns regarding project priority rankings. The current revised FSEP development flow chart is shown below.





There are two primary differences between the above flow chart and the previous flow chart presented at the February 25, 2016 Executive Committee meeting. These differences are summarized below.

First, *Task 8 - Conduct Conceptual Design & Feasibility Studies* has been replaced with a new *Task 8 – Conduct Project Evaluation and Refinement*. The Restoration Council has informed us that conceptual design and feasibility studies are allowable activities under the planning grant; however, they are not requiring that every project in the FSEP be developed to a 30 percent design level. Therefore, if approved by the Consortium, \$1,500,000 will be reserved in the planning grant request for those counties desiring to use planning grant funds for project conceptual designs concurrent with the development of the FSEP. This budget amount was derived by assuming \$50,000 in conceptual design costs for each of 30 projects. It should be noted that this reserved amount will not be included in ESA consultant team contract as it is not directly related to the development of the FSEP. Under the new *Task 8 – Conduct Project Evaluation and Refinement*, the ESA consultant team will evaluate projects for feasibility and other criteria, and work with each of the counties to refine their project concepts to improve their cost-effectiveness and grant-readiness.

Second, *Task 10 – Develop Priority Project Rankings* has been replaced with a new *Task 10 – Develop Project Sequencing and Implementation Strategy*. This modification to the flow chart addresses concerns expressed about the need for priority project rankings, given that the FSEP will include projects from each county. It is assumed that through the project evaluation and refinement, and leveraging analysis tasks, the best projects from each county will be identified and adapted to fit within the budget limitations of their Spill Impact Component budget plus any leveraged funds. Therefore, rather than ranking projects, this task would involve the development a project sequencing schedule that maximizes the total value of the FSEP, as well as a optimizes the strategy for coordinating implementation grants with the Council over the 15-year payout schedule.

With the submittal of the Planning Grant Application, and the completion of the Consortium Goal Setting Workshop, Phase I - Funding & Goal Setting - is now complete. Upon approval of the planning grant by the Council the FSEP development process will move into Phase II - Project Nomination. What follows below is a brief description of the remaining work to be conducted under each task of the current revised FSEP development process.

## **Phase II – Project Nomination**

### **Task 3 - Compile Preliminary Project List**

As specified in the Memorandum of Agreement (MOU) between the Consortium and the Governor, the Consortium must consult with the FDEP in the development and approval a “standard format” for submitting projects, programs and activities; and that said standard format must be consistent with the Florida Gulf of Mexico Project Submittal Form utilized by the FDEP. The ESA consultant team will consult with FDEP and develop a standard format project application for the counties to use in preparing and submitting their project concepts for compilation. It is anticipated that the project application will specify general screening criteria such as: 1) conformance with the RESTORE Act list eligible of activities; and 2) consistency with adopted goals, objectives and guiding principles.

The ESA consultant team will prepare and distribute project screening criteria, a standard format application form, and other guidance materials to each of the 23 counties to be utilized in development and submittal of their respective project concepts. Project concepts proposed by the individual counties could include the following.

- Projects identified as part of County Direct Component activities and associated local RESTORE Act committees.

- Projects identified in existing coastal resource and watershed management plans (e.g., National Estuary Program CCMPs; Water Management District SWIM Plans, etc.).
- Applicable County projects identified in Capital Improvement Programs or other County initiatives.

Following the distribution of standard format project application package to the counties the ESA consultant team will meet with individual counties, as requested, to assist them in developing and prioritizing project concepts. Upon submittal of project concepts from each of the counties, the ESA consultant team will compile the preliminary project list which represents the first cut of project concepts for potential inclusion in the FSEP.

#### **Task 4 - Screen, Attribute and Map the Preliminary Project List**

The ESA consultant team will apply the screening criteria to the preliminary project list which may eliminate some projects that are not eligible for RESTORE Act funding or otherwise inconsistent with the goals, objectives and guiding principles adopted by the Consortium. The remaining projects will be attributed and converted into a spatial (GIS) database. Attribution will include such parameters as: project type; area affected by the project; project benefits; project costs; leveraging potential; project partners; etc. In addition, the screened preliminary project list will be digitized (e.g., project type; area affected; project cost; etc.) so that the full range and scope of the preliminary project list can be visually depicted in a map series. The screened preliminary project list will be summarized, mapped, and presented to the Consortium for discussion.

#### **Task 5 - Perform Gaps, Overlaps, and Opportunities Analysis**

The ESA consultant team will conduct an analysis of the preliminary project list to determine if there are substantial gaps in geographic coverage or project type focus. In addition, this analysis will explore opportunities to combine similar nearby projects into larger single projects to improve cost-effectiveness, as well as opportunities to modify or enhance projects in ways that will increase leveraging potential and streamline regulatory approvals. This task will involve coordination with individual counties to modify and enhance their project concepts, as appropriate.

#### **Task 6 - Develop Screened Project List and Spatial Database**

Recommended revisions to the preliminary project list generated from Task 5 will be presented to the Consortium for discussion and approval. Based on input from the Consortium, the ESA consultant team will revise and update the initial project

list and develop the screened project list and associated spatial database. The screened project list will be summarized and presented to the Consortium for discussion and approval. Upon Consortium approval, the screened project list will represent the universe of projects that will be taken into Phase III – Project Evaluation.

### **Phase III – Project Evaluation**

#### **Task 7 - Develop Project Evaluation Criteria**

Based on the range of projects represented in the revised project list, the ESA consultant team will develop project evaluation criteria to comparatively assess each project. Detailed evaluation criteria will focus on two key project attributes: 1) technical basis; and 2) feasibility. Evaluating the technical basis of proposed actions will be based on best professional judgment. This attribute will be assessed in terms of whether or not proposed projects are based on the best available science and/or engineering, as required by the Council, and whether they have a clearly defined technical rationale and justification. In addition, this attribute will address the relative benefits and risks associated with proposed actions. Evaluating the feasibility of proposed projects will essentially constitute a “reality check” also based largely on best professional judgment. The feasibility attribute will be assessed in terms of numerous factors including but not limited to: technical feasibility (e.g., both science and engineering), permitability, constructability, cost-effectiveness, leveragability, and public acceptance. The detailed project evaluation criteria will be presented to the Consortium for review and approval.

#### **Task 8 - Conduct Project Evaluation & Refinement**

All projects ultimately included in the FSEP should be technically justifiable, feasible, and affordable within the budget limitations of the Spill Impact Component. Towards that end, the ESA consultant team will apply the approved evaluation criteria to the revised project list to screen out those project concepts that don't meet the criteria, or modify them so that they do meet the criteria. It is anticipated that many project concepts submitted by the counties will have significant information gaps, while other project submittals will be well-developed as conceptual or even final designs with accompanying feasibility, engineering and environmental studies. To fairly and objectively evaluate the various project concepts submitted by the counties, those that are lacking in basic details with regard to such factors as technical justification, project boundaries, anticipated benefits, technical approach, construction methods, cost estimates, etc. will need to be further developed. Therefore, this task will involve the ESA consultant team working with individual counties, as needed, to further refine their project concepts.

## **Task 9 - Conduct Project Leveraging Analysis**

The ESA consultant team will develop a *Grant Sources Inventory* applicable to the revised suite of projects generated from Task 8. This inventory will include a wide range of federal, state, private and NGO grant programs (e.g., National Fish & Wildlife Foundation) that could potentially be used to leverage projects to be included in the FSEP. This task will also involve close coordination with the Restoration Council and FDEP with regard to the availability and applicability of leveraged funds from the Council Selected Restoration Component and the Florida portion of the Natural Resource Damages (NRD) settlement. The refined suite of projects will be individually linked to potential leveraging sources applicable to each, along with estimated dollar amounts. Upon completion of this task, the refined project list, and the leveraging potential for each, will be presented to the Consortium for review, modification, and/or approval.

## **Task 10 - Develop Project Sequencing & Implementation Strategy**

The approximate funding levels available to each county from the Spill Impact Compact component have been estimated for the tentative BP settlement. Furthermore, based on current knowledge of the settlement, these will be paid out over a 15-year period, without the ability of using these funds to repay debt. Finally, Council implementation grants for all projects included in the FSEP must be project-specific, and be channeled through a single grant portal by the FSEP implementing entity. Individual counties will not be able to engage with the Council independently with regard to implementation grant funds. To address these complexities, a project sequencing strategy is necessary to expedite and optimize the distribution of Council implementation grant funds.

It is anticipated that the suite of projects ultimately included in the FSEP will vary significantly with regard to their relative complexity and level of development and/or design. For example, some projects may be ready to receive construction funds, while other projects may require planning or design funds. The ESA consultant team will develop a project sequencing schedule that optimizes the 15-year payout such that each county is annually making progress on their respective projects. In addition, this task will involve the development of an overall implementation strategy that considers multiple alternatives for managing the accounting of Spill Impact Component funds amongst the 23 counties over the 15-year payout schedule. A draft *Project Sequencing & Implementation Strategy* document will be prepared and presented to the Consortium for review, modification, and/or approval. The approved refined suite of projects along with the approved project sequencing and implementation strategy will serve as the basis for Phase IV - FSEP Development.

## **Phase IV – FSEP Development**

### **Task 11 - Prepare Draft FSEP**

Using the results of the previous tasks, the ESA consultant team will prepare the draft FSEP document to comply with all informational requirements specified by the Council in applicable rules and guidance documents. Prior to release of the Draft FSEP for formal review and public comment, the ESA consultant team will facilitate the performance of an independent legal review of the document to ensure compliance and consistency with all applicable federal, state, and local laws, rules, and agreements. Revisions to the Draft FSEP will be made to address any legal noncompliance or inconsistencies.

### **Task 12 - Draft FSEP Review and Revisions**

The Draft FSEP will be submitted to the Consortium for review and approval prior to distribution to other reviewing entities. Upon approval by the Consortium, the Draft FSEP will be submitted to the FDEP, the Governor, the Council and other appropriate reviewing entities. The ESA consultant team will deliver summary presentations of the draft FSEP to the Consortium and other reviewing entities as requested, and will work closely with each of the reviewers to revise and amend the Draft FSEP document as appropriate to address any informational gaps, technical deficiencies, or other concerns. The review and revision process for the Draft FSEP will be an iterative process.

### **Task 13 - Stakeholder Outreach and Public Involvement**

The ESA consultant team will develop and implement a Stakeholder Outreach and Public Involvement program to facilitate stakeholder review and solicit public comments on the Draft FSEP. This program will be tailored to meet the requirements of the Consortium, the Governor, and the Council, and may include the following:

- Facilitation of advertised public meetings with various affected stakeholder and citizen groups;
- Development of an online website and portal for the submittal and documentation of public comments; and
- Coordination of independent expert peer reviews of the Draft FSEP.

### **Task 14 - Prepare Final FSEP**

The ESA consultant team will produce a Final FSEP document that incorporates all accepted revisions and amendments proposed by the Consortium, other reviewing entities, and the public. The ESA consultant team will deliver a presentation of the Final FSEP document to the Consortium summarizing the comments received, and the revisions and amendments made to the Draft FSEP. Upon approval by the Consortium, the Final FSEP document will be prepared for formal submittal to the Governor and the Council.

**Analysis:**

Pursuant to the Memorandum of Understanding between the State of Florida and the Gulf Consortium, the project submittal and consideration process for the development of the FSEP must include the following elements at a minimum:

- A review for consistency with the applicable laws and rules;
- Prioritization based on criteria established by the Consortium;
- Consideration of public comments; and
- Approval by an affirmative vote of at least a majority of the Directors present at a duly noticed public meeting of the Consortium.

The revised FSEP development process described above is consistent with these minimum requirements. In addition, this comprehensive scope of work should better facilitate the expeditious approval of the FSEP by the FDEP, the Governor, and the Council; as well as increase the overall leveragability of the FSEP to increase the overall benefits of the Spill Impact Component.

**Recommendations:**

- (1) Approve the revised FSEP development process and ESA consultant team scope of work.
- (2) Authorize the ESA consultant team to amend the Council Administrative Grant Application for planning assistance to reflect the revised FSEP development process.

**Attachment:**

Summary of Revised ESA Consultant Team Contract by Task

**Prepared by:**

Doug Robison  
Environmental Science Associates  
On: March 23, 2016

**Attachment to Agenda Item 4**

**Summary of Revised ESA Consultant Team Contract by Task**

<b>Task No.</b>	<b>Task Description</b>	<b>Hours</b>	<b>Dollars @\$205/hr*</b>	<b>Task Orders Issued</b>	<b>Percent Complete</b>	<b>Remaining Budget</b>
1	Prepare PSEP & Administrative Grant Application	248	\$50,980	\$50,980	100%	\$0
2	Conduct Consortium Goal Setting Workshop	104	\$21,560	\$21,560	100%	\$0
3	Compile the Preliminary Project List	1,472	\$301,760	\$0	0%	\$301,760
4	Screen, Attribute & Map Preliminary Project List	922	\$189,010	\$0	0%	\$189,010
5	Perform Gaps, Overlaps & Opportunities Analysis	734	\$150,470	\$0	0%	\$150,470
6	Develop Screened Project List and Spatial Database	568	\$116,440	\$0	0%	\$116,440
7	Develop Project Evaluation Criteria	480	\$98,400	\$0	0%	\$98,400
8	Conduct Project Evaluation & Refinement	1,480	\$303,400	\$0	0%	\$303,400
9	Conduct Project Leveraging Analysis	982	\$201,310	\$0	0%	\$201,310
10	Develop Project Sequencing & Implementation Strategy	960	\$196,800	\$0	0%	\$196,800
11	Prepare Draft FSEP	1,600	\$328,000	\$0	0%	\$328,000
12	Draft FSEP Review & Revisions	1,300	\$266,500	\$0	0%	\$266,500
13	Stakeholder Outreach & Public Involvement	1,204	\$246,820	\$82,388	33%	\$164,432
14	Prepare Final SEP	640	\$131,200	\$0	0%	\$131,200
	<b>Totals</b>	<b>12,696</b>	<b>\$2,602,650</b>	<b>\$154,928</b>	<b>6%</b>	<b>\$2,447,722</b>

**Summary of ESA Consultant Team Contract by Year**

Pre-Award (8/22/14 - 4/30/16) / Tasks 1, 2, 13 (partial)	\$154,928
Year 1 (5/1/16 - 4/30/17) / Tasks 3-8	\$1,159,480
Year 2 (5/1/17 - 4/30/18) / Tasks 9-14	\$1,288,242
<b>Total Contract</b>	<b>\$2,602,650</b>

\*The rate of \$205/hour used for budget estimating includes all consultant overhead, profit, and reimbursable expenses (e.g., travel costs, document production, etc.).



**Gulf Consortium Executive Committee**  
**March 31, 2016**

**Agenda Item 5**  
**Planning Grant Application Update**

**Executive Summary:**

Update on the status of the Planning Grant Application submitted to the Restoration Council on September 24, 2015.

**Background:**

Langton Associates, a part of the ESA Consultant Team, has prepared the planning grant application for the Consortium's review and approval. The total request for the grant is \$4,851,525.00, over a planning horizon that extends back from August 22, 2014 (period for pre-award costs), forward two (2) years, to September 30, 2017.

After exercising its delegated authority, on September 23, the Executive Committee approved the final grant applicability and it was submitted on September 24, 2015, to the Restoration Council.

Langton Associates contacted Council staff for comments on the Planning Grant application and on November 6, 2015, Council staff responded with five questions, labeled as "initial review". Those questions related to procurement, cost basis and budget. Lisa King of Langton Associates submitted a response to those questions to Council staff via email on December 10, 2015.

On December 7, 2015 Mary Pleffner, CFO of the Council sent a letter to Chair Robinson with 14 additional questions related to the Planning Grant application. Those questions related to Task 16 (Conceptual Design and Feasibility Studies) and differences between the budget and the consultant's BAFO. Chair Robinson replied to those questions, in writing, on December 22, 2015. Ms. Pleffner responded to Chair Robinson's letter on January 28, 2016 requesting additional revisions to the application (attached). On February 12, 2016 Chair Robinson, Consortium staff and the consultant team met with Justin Ehrenwerth, Executive Director of the Gulf Coast Ecosystem Restoration County, Ms. Pleffner and others of his staff, and Mimi Drew and others from DEP to discuss clarification of several issues related to the administrative grant.

The Council staff gave direction to the Consortium at this meeting on outstanding issues including:

- Change in project selection process originally recommended in the PSEP to a county-by-county basis. The Council has asked for a revised scope of work and budget narrative that reflects this change as well as the changes to the ESA scope since the BAFO.
- The Council requested a single-source procurement justification for Task 16. (This task is now referred to as Task 8 in the revised SEP development process)

- Council has adopted our suggested definition of “conceptual plans and feasibility studies”.
- Council requested re-work of the grant budget to include all pre-award costs (Our Phase 1 activities) to reflect the time lapse since the submission of the application in September 2015.
- Council requested more in-depth justification for blended hourly wage rates for consultant fixed fee contracts.

On March 8, 2016 Doug Robison, Mike Langton, and Ginger Delegal met with Mary Pleffner in Tampa to discuss changes to the grant application. At that time Ms. Pleffner advised that the vendor for Task 8 would require competitive procurement. This meeting also resulted in agreement on items requiring additional detail, the list of which was memorialized in an email from Joshua Easton of the Council staff which identified the following five items to be provided immediately:

1. Detailed cost basis information on the Langton sub-award;
2. Draft invoice for Task Order #3 with detailed labor & expense backup;
3. Example detailed cost estimate for Task 3;
4. State of Florida procurement provisions (Competitive Consultants Negotiation Act – CCNA); and,
5. Revised ESA contract summary tables.

The above items were submitted to Council staff by the consultant team on March 15, 2016.

Mr. Easton’s email also indicated that the following items should be submitted to the Council as they become available:

1. A new, complete application package that includes new SF-424 and certifications;
2. Full detailed cost basis for all ESA tasks based on the example provided and that Council staff approves; and,
3. Copy of the new executed ESA contract.

The consultant team anticipates having an updated version of the grant application prepared by March 31, 2016.

**Fiscal Impact:**

Under Task Order 1, ESA agreed to develop the PSEP and the preparation of a grant application for planning funds. Task Order 1 provides that payment to ESA is contingent upon the receipt of federal planning grant monies. Upon receipt of those funds, ESA will be paid \$15,000 for its services for the planning grant application preparation, and \$35,980 when the Council approves the grant, for a total of \$50,980.

**Attachments:**

None.

**Recommendation:**

For information only.

**Prepared by:**

Lisa King

Langton Associates

On: March 23, 2016

**Gulf Consortium Executive Committee  
March 31, 2016**

**Agenda Item 6  
Consortium Activity Report**

**Executive Summary:**

Presentation of Gulf Consortium activity.

**Report:**

- Continue weekly internal Consortium staff meetings.
- Continue weekly ESA Consultant Team/Consultant staff meetings.
- Attended and participated in a meeting among Consortium staff, ESA Consultant Team and Restoration Council staff on March 6, 2016 in Tampa to discuss the Consortium's Planning Grant Application.
- Board communications plan has been developed and is being implemented by Consortium staff between now and the April 21 Board meeting. The second update newsletter was drafted and transmitted to all Board members on March 2, 2016 and the next one is scheduled for the week of April 4.
- Continued Consortium staff guidance to the ESA Consultant Team on the development of the FSEP.
- Continued targeted county visits by Consortium staff, including one in Pinellas County among Consortium staff, and Hillsborough, Manatee, Pasco and Pinellas staff.
- Prepare for an attend one-on-one briefing for new Director, Commissioner John Morroni (Pinellas) and his staff.
- Scheduled and publicized three Executive Committee meetings between February 1 and April 21.
- Draft a letter, under Chairman Robinson's signature to US Treasury, outlining concerns over the question of whether RESTORE Act fines can be used to pledge against debt to finance the projects, programs and activities of the State Expenditure Plan.

- Continued work with Warren Averett, the CPA firm conducting the FY 14-15 independent audit. The audit is on schedule for Board review in April.

**Recommendation:**

Provide direction to Consortium staff on these items.

**Attachment:**

None.

**Prepared by:**

Ginger Delegal  
Florida Association of Counties  
Interim General Manager  
On: March 23, 2016

**Gulf Consortium Executive Committee**  
**March 31, 2016**

**Agenda Item 7**  
**Proposed Comments to U. S. Treasury on BP Draft Consent Decree**

**Executive Summary:**

This agenda item seeks Executive Committee approval of the attached correspondence to the U. S. Treasury recommending it to authorize the acceleration of the receipt of BP Consent Decree funds to the recipients of such funds, including the Gulf Consortium and the 23 Florida counties. Such acceleration encompasses two concepts: (1) allowing the pledging of BP payments to the retirement of debt and (2) allowing grant funds to be used as repayment to a county of monies advanced by the county for a project in an approved Multi-Year Implementation Plan.

**Background:**

The Consent Decree with BP does not expressly authorize the Consortium or the counties to borrow against or otherwise accelerate the BP payments. The Board approved correspondence to the Department of Justice in November 2015 that urged the modification of the Consent Decree to allow for the acceleration of the receipt of funds, instead of annual payments over 15 years as proposed in the Consent Decree.

During the NACo annual meeting in Washington, D.C. in February, the Chairman of the Consortium and others met with the General Counsel of the U.S. Treasury to discuss the implementation of the RESTORE Act, including the prolonged delay in Florida's receipt of BP funds for the spill impact component (Pot #3 for the Consortium) and the direct component (Pot #1 for counties). The attached correspondence to Treasury is a follow-up to that meeting.

**Analysis:**

As set forth in the attached correspondence to the Department of the Treasury, there are advantages to the acceleration of the receipt of funds by the Consortium and to the 23 counties.

Because the Board of Directors has already approved similar correspondence to the Department of Justice, staff is recommending that the Executive Committee approve the sending of the attached correspondence to the Treasury without the necessity of securing additional Board approval.

**Options:**

- (1) Adopt a motion authorizing the Chairman to sign the attached correspondence to the Treasury.
- (2) Provide other direction.

**Fiscal Impact:**

The purpose of the correspondence is to reiterate the Consortium's request that acceleration of the receipt of funds from the Consent Decree be authorized. Such authorization by the Treasury will not obligate the Consortium to issue debt for that purpose. Neither will it impose any obligation on any of the 23 counties; rather it will create more flexibility and funding options for addressing the restoration of the Gulf.

In the event that the acceleration options are authorized by the Treasury, the Consortium will explore the financial costs of borrowing money and paying principal and interest on the debt.

The fiscal impact of those costs and any savings by completing the projects earlier cannot be estimated at this time.

**Recommendation:**

Adopt a motion for the Chairman to sign the attached correspondence to the Treasury which urges authorization for acceleration of receipt of BP Consent Decree funds.

**Prepared by:**

Sarah M. Bleakley  
Nabors, Giblin & Nickerson, P.A.  
General Counsel  
On: March 23, 2016



March 23, 2016

[TO COME]

Re: Acceleration of BP Consent Decree RESTORE Act Funds

Dear \_\_\_\_\_ (General Counsel, U.S. Department of the Treasury):

Thank you for taking the time recently to meet with and listen to the Gulf Consortium's concerns about the implementation of the RESTORE Act's direct component and spill impact component. We know the Treasury, like the Consortium, has been busy building a new governmental program to address the Act's new responsibilities, some of which for Treasury are far outside of the Department's traditional functions. We fully understand that there is a learning curve and that the Treasury's primary efforts are predicated on assuring that the funds from the Consent Decrees with BP and other responsible parties are expended in accordance with the RESTORE Act. As we discussed in our meeting, we urge your best efforts in finding a way to authorize flexibility to the Consortium and Florida's 23 Gulf Coast counties and other recipients of the direct component and the spill impact component which allows the recipients to accelerate the availability of RESTORE Act funds from the BP Consent Decree for eligible projects.

Acceleration of funds to the Gulf Consortium and the Florida county recipients could be accomplished by including an additional provision in the BP Consent Decree that expressly authorizes both the pledging of the periodic payments to the retirement of debt issued by the recipients and allowing the repayment from RESTORE Act grant funds of other monies advanced by an eligible recipient to pay for an approved project. Such a provision would not change any of BP's financial obligations over the time horizon of the agreement and, accordingly, should not be an issue of disagreement among the parties. Instead, the inclusion of an authorization to pledge or repay advance-funded projects would add tremendous value to the deal already struck by the federal government and BP.

If the Consent Decree authorizes the pledging of spill impact component payments from BP, the Consortium could pledge the agreed upon periodic payments to the retirement of debt, and quickly begin and complete projects in the State Expenditure



Plan for Florida. A similar pledging provision for the direct component could assure a quicker pace for each of Florida's 23 counties eligible for funding under the direct component. Additionally, some Florida counties may be able to advance-fund some of their multi-year implementation plan projects and would willingly do so, if they could be assured that RESTORE Act grant funds could be used to reimburse them for such use of other county funds.

From a legal perspective, we understand the pledging of federal funds generally requires some specific authority. There are examples of such authority from Congress, such as the authorization to pledge revenues to the retirement of Grant Anticipation Revenue Vehicle ("GARVEE") bonds and Grant Anticipation Notes ("GANS"), and other conduit sources of financing or pooled programs. We believe the negotiation of the Consent Decree authorizes a wide latitude for the federal government and the other parties to structure a just and fair settlement that is broad enough to include authorization to pledge the revenues or pay back funding advanced from some other source through RESTORE Act grants.

Based on the payment schedule in the BP Consent Decree and the effect of the Council's Allocation Rule for Florida of 18.36 percent of the spill impact component funds, we have estimated the annual amounts for Florida for the 15 year payout schedule as follows:

Year	CWA Payment	Trust Fund Deposit	Florida Pot 3 Share
2017	\$379,310,345	\$303,448,276	\$16,713,931
2018	\$189,655,172	\$151,724,138	\$8,356,965
2019	\$379,310,345	\$303,448,276	\$16,713,931
2020	\$379,310,345	\$303,448,276	\$16,713,931
2021	\$379,310,345	\$303,448,276	\$16,713,931
2022	\$379,310,345	\$303,448,276	\$16,713,931
2023	\$379,310,345	\$303,448,276	\$16,713,931
2024	\$379,310,345	\$303,448,276	\$16,713,931
2025	\$379,310,345	\$303,448,276	\$16,713,931
2026	\$379,310,345	\$303,448,276	\$16,713,931
2027	\$379,310,345	\$303,448,276	\$16,713,931
2028	\$379,310,345	\$303,448,276	\$16,713,931
2029	\$379,310,345	\$303,448,276	\$16,713,931
2030	\$379,310,345	\$303,448,276	\$16,713,931
2031	\$379,310,343	\$303,448,274	\$16,713,931
	<b>\$5,500,000,000</b>	<b>\$4,400,000,000</b>	<b>\$242,352,000</b>

The payment schedule provides 14 years of a uniform amount of \$16.7 million annually for the Consortium, except for the second year. In contrast to those annual amounts, if the Consortium could pledge the funds to the retirement of debt, the Consortium would receive a lump sum amount up front that could be used to quickly complete projects, programs and activities to restore the Gulf. The lump sum amount

[TO COME]  
March 23, 2016  
Page 3

could then be retired over the same 15 year time period with RESTORE Act funds allocated annually for Florida.

Instead of waiting the entire 15 years to receive all the funds and complete the approved projects, acceleration of funds could show real progress in improving the Gulf to the current generation of residents and visitors to the Gulf of Mexico. Authorizing the acceleration of funds through pledging or repayment presents a great opportunity to show the beneficial, "get it done" side of government.

To implement the acceleration of the RESTORE Act's funds, the Consent Decree should be modified to expressly authorize the pledging of such funds and to authorize the repayment from grant funds of other monies expended to advance an eligible project. Additionally, the Consent Decree should address the federal income tax treatment of the interest on financing and any interest earned on the debt.

Thank you for again meeting with us and hearing our suggestions. If you have questions, please contact me.

Sincerely,

Grover C. Robinson IV, Chairman  
Gulf Consortium